

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform)	WC Docket No. 11-42
And Modernization)	
)	WC Docket No. 03-109
Lifeline and Link Up)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Advancing Broadband Availability)	WC Docket No. 12-23
Through Digital Literacy Training)	

**COMMENTS OF TRACFONE WIRELESS, INC. IN RESPONSE TO
PETITION FOR WAIVER OF THE UNITED STATES TELECOM ASSOCIATION**

TracFone Wireless, Inc. (“TracFone”), by its attorneys, hereby files its comments in response to the petition for waiver filed by the United States Telecom Association (“USTelecom”). By public notice issued May 1, 2012, the Commission has invited comment on that petition.¹

In its petition, filed April 25, 2012, USTelecom requests the Commission to temporarily waive certain requirements established in the recent Lifeline Reform Order.² In particular, USTelecom seeks waiver of 47 C.F.R. § 54.407(d) which requires an Eligible Telecommunications Carrier (“ETC”) to certify as part of each reimbursement request that it is in compliance with all the rules and has obtained valid certification and recertification forms for

¹ Public Notice - Comment Sought on US Telecom ET AL, Petition for Waiver and Clarification of Lifeline Reform Order, DA 12-387, released March 9, 2012.

² See Lifeline and Link Up Reform and Modernization et al., Report and Order and Further Notice of Rulemaking, WC Dkt. Nos. 11-42 et al., CC Dkt. No. 96-45, FCC 12-11 (rel. Feb 6, 2012) (Lifeline Reform Order).

each subscriber for whom it seeks reimbursement. USTelecom also seeks a waiver of 47 C.F.R. § 54.410(b)(2) and (c)(2), which require that where a state administrator is responsible for initial determination of a subscriber's income-based or program-based eligibility an ETC may not seek reimbursement until it has received from the state administrator notice that the subscriber meets the eligibility criteria and has received a copy of the subscriber's certification of eligibility. USTelecom seeks a temporary waiver of these rules in states (1) where responsibility for making the initial Lifeline eligibility determinations rests with a state Lifeline administrator or other state agency, or where subscribers are enrolled in the Lifeline program on an automatic or coordinated basis and (2) the state is unable to modify its Lifeline enrollment procedures to comply with applicable Lifeline rules by June 1, 2012. USTelecom requests that the waiver remain in effect until a state is able to provide ETCs with the required notices of eligibility and copies of customers' certifications of eligibility.

USTelecom is concerned that affected states will not be able to implement the Lifeline enrollment procedures set forth in the Lifeline Reform Order by June 1, 2012. As a result, ETCs will risk not receiving reimbursement if they provide Lifeline service before the states are able to revise their enrollment procedures to be consistent with changes in the Commission's rules. Rather than take that risk, USTelecom says that its member companies (the wireline ILECs) will be forced to deny Lifeline service to customers.

TracFone agrees that good cause exists for the Commission to grant USTelecom's petition for temporary waiver. USTelecom correctly notes that the Lifeline Reform Order requires states, as well as ETCs, to make significant changes to the Lifeline enrollment process. Such changes require a substantial amount of effort and coordination among various impacted entities, including ETCs and multiple state agencies. Low-income consumers will be negatively

affected if state Lifeline administrators or state agencies that are responsible for determining Lifeline eligibility of consumers are unable to revise their procedures by June 1, 2012 to provide ETCs with notice that the subscriber meets the Lifeline eligibility criteria and a copy of the subscriber's certification of eligibility. Specifically, ETCs will have no choice but to decline to enroll low-income consumers in the Lifeline program until the relevant state is in compliance with the Commission's rules. Such a result unfairly punishes low-income customers who would otherwise qualify for Lifeline benefits.

TracFone and other ETCs face a similar situation related to the Commission Rule 54.410(c)(1)(i)(B), which also currently has an effective date of June 1, 2012 and requires Lifeline applicants to produce documentation of their participation in qualifying programs in states where access to state consumer eligibility databases is not available.³ TracFone has requested the Commission to postpone the effective date of Commission Rule 54.410(c)(1)(i)(B) for a period of not less than one year to afford ETCs a reasonable period to work with state departments and agencies which administer program eligibility databases arrangements that allow ETCs access to those databases to verify Lifeline program-based eligibility.⁴ As TracFone explained in its request, the inability of states to allow for access to existing databases by June 1, 2012 will prevent ETCs from enrolling qualified low-income consumers who are unable to produce the required documentation, either because the documentation is not readily available or because they lack access to the technology and devices needed to provide the documentation to their preferred ETC.

³ This documentation requirement, commonly referred to as "full certification," is an extremely burdensome requirement that discourages low-income consumers from completing the enrollment process necessary to receive the Lifeline benefits to which they are entitled and which they need to have available affordable access to public telecommunications networks.

⁴ See Request for Postponement, filed in this proceeding on May 11, 2012.

Lifeline rule changes promulgated by the Commission will require states and ETCs to modify their practices and procedures to accommodate those changes. Wireline ILECs represented by USTelecom, as well as other Lifeline providers such as TracFone, will need additional time to work with states to conform their procedures with the new Lifeline enrollment requirements. Establishment and implementation of suitable arrangements governing access to state program-based eligibility databases is an important part of that process. By granting USTelecom's request for a waiver, states will be afforded a reasonable opportunity to complete those efforts so that they can provide ETCs with the notices of eligibility and copies of consumer certifications required under the new Lifeline rules. Moreover, in the interim qualified low-income households will not be precluded from receiving Lifeline benefits.

For the reasons stated in these comments, TracFone urges the Commission to grant USTelecom's petition and to postpone the implementation of other rules, including Section 54.410(c)(1)(i)(B), to enable states and ETCs to work together to make state databases -- the most reliable indicator of program-based eligibility -- available to ETCs.

Respectfully submitted,

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